IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17967 of 2004

Between:

1 Ashapu Satyavathi, W/o. Bhadra Rao,
R/o. 77-9-80, Seelam Nookaraju Street, Rajahmundry, E.G.District.
2 Shaik Ismail, S/o. Shamsuddin,
R/o. D.No.77-9-85, Seelam Nookaraju Street, Gandhipuram, Rajahmundry, E.G.District.
3 Robbi Ammaji, W/o. Tatarao,
R/o. D.No.77-9-97, Seelam Nookaraju Street, Gandhipuram-3, Rajahmundry, E.G.District.
4 Vadisileti Veerababu,
R/o. H.No.77-9-99, Gandhipuram-3, Seelam Nookaraju Street, Rajahmundry, E.G.District.

..... PETITIONERS

AND

1 Commissioner, Municipal Corporation, Rajahmundry, E.G.District.
2 Sub Collector, Rajahmundry, E.G.district .

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proposed action of the respondents in demolishing the buildings of the petitioners herein in respect of D.Nos.77-9-80, 77-9-85, 77-9-97 and 77-9-99 Seelam Nookaraju Street, Gandhipuram-III, Rajahmundry, E.G. District as illegal, arbitrary and violative of Principles of natural justice and malafide and further directing the respondents not to demolish the structures of the buildings of the

petitioners in respect of D.Nos.77-9-80, 77-9-85, 77-9-97 and 77-9-99 Seelam Nookaraju Street, Gandhipuram-III, Rajahmundry, E.G. district.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent: MR.DANTU.SRINIVAS

The Court at the stage of admission made the following:

ORDER:

It is not in dispute that when a property is required for road widening, the Municipal Corporation has to follow the due procedure as envisaged under the Hyderabad Municipal Corporation Act, which is made applicable to the respondent-Municipal Corporation, Rajahmundry.

As per the order of a Division Bench of this Court in W.P.No.21198 of 1997 and batch, dated 03-02-1998, the Corporation has to take the consent of the owner, whose property is likely to be acquired, and if the owner fails to give consent, the same has to be acquired under the provisions of the Land Acquisition Act.

In view of the same, the respondents shall follow the due procedure prescribed under law to evict the petitioner from the subject land.

The writ petition is accordingly disposed of. No order as to costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1 Commissioner, Municipal Corporation, Rajahmundry, E.G.District.
2 The Sub Collector, Rajahmundry, E.G.district .

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